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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,351	07/02/2004	Mark Joseph	slatwall	4350
23217	7590	11/21/2005	EXAMINER	
GLENN L. WEBB P.O BOX 951 CONIFER, CO 80433			MAKIYA, DAVID J	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 11/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/710,351

Applicant(s)

JOSEPH, MARK

Examiner

David J. Makiya

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 July 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7/2/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

The disclosure is objected to because it fails to disclose the slots being vertical or curved as claimed in Claims 17 and 18. The specification must describe every feature of the invention specified in the claims. Therefore, the vertical or curved slots from Claims 17 and 18 must be described or the canceled from the claim.

Appropriate correction is required.

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the slots being vertical or curved as claimed in Claims 17 and 18 must be shown or the feature canceled from the claim. No new matter should be entered.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "light fixture 70" and "bendable tube 72."

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the

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drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 7-11, 13-16, 19-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Barton (US Patent 4,747,025).

With respect to claim 1, Barton teaches a lighting system comprising an elongated track 16 having at least one engagement element 56 for attachment to an aperture 74 formed in a room surface, at least one conductor 18 running laterally along the length of said elongated track, a power supply 40 for supplying electrical power to each of the at least one conductor, at least one lighting fixture 10, an attachment member 14 on each of the at least one light fixture for engagement with the elongated track, and a conductive element on each of the at least one light fixtures for engagement with each one of the at least one conductors on the elongated track for supplying electrical power to the lighting fixture (Column 5, Lines 30-34).

With respect to claim 2, Barton teaches the lighting system wherein the at least one engagement element is engageable in a slot on a slatwall 12 to secure the elongated track to a slatwall (Figure 3).

With respect to claim 3, Barton teaches the lighting system wherein the elongated track includes an internal channel (Figure 1) and the at least one conductor is mounted in the internal channel (Figure 3).

With respect to claim 5, Barton teaches the lighting system wherein the elongated track includes a substantially flat outer surface (Figure 3) and the at least one conductor is mounted on the rear side of the elongated track opposite of the substantially flat outer surface (Figure 3).

With respect to claim 6, Barton teaches the lighting system wherein the elongated track includes a substantially flat outer surface and the at least one conductor includes two conductors (18, 44) mounted on the rear side of the elongated track opposite of the substantially flat outer surface.

With respect to claim 7, Barton teaches the lighting system wherein the elongated track includes a substantially flat outer surface, a rail 18 mountable onto the outer surface, and the at least one conductor 42 is mounted on the rail.

With respect to claim 8, Barton teaches the lighting system wherein the aperture is formed from a continuous slot on a room surface (Figure 3), and the engagement element includes an interference allowing the engagement element to fasten securely within the continuous slot (Column 4, Lines 4-8).

With respect to claim 9, Barton teaches a lighting system for a slatwall comprising a slatwall 12 surface having one or more slots, an elongated track 16, the elongated track having at

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least one engagement element 56 for attachment to a slot 74 on the slatwall surface, at least one conductor 18 running laterally along the length of the elongated track, a power supply 40 for supplying electrical power to each of the at least one conductor, at least one lighting fixture 10, an attachment member 14 on each of the at least one light fixture for engagement with the elongated track, and a conductive element on each of the at least one light fixtures for engagement with each one of the at least one conductors on the elongated track for supplying electrical power to the lighting fixture (Column 5, Lines 30-34).

With respect to claim 10, Barton teaches the lighting system wherein the at least one engagement element is engageable in a slot on a slatwall to secure the elongated track to a slatwall.

With respect to claim 11, Barton teaches the lighting system wherein the elongated track includes an internal channel and the at least one conductor is mounted in the internal channel.

With respect to claim 13, Barton teaches the lighting system wherein the elongated track includes a substantially flat outer surface and the at least one conductor is mounted on the rear side of the elongated track opposite of the substantially flat outer surface.

With respect to claim 14, Barton teaches the lighting system wherein the elongated track includes a substantially flat outer surface and the at least one conductor includes two conductors (18, 44) mounted on the rear side of the elongated track opposite of the substantially flat outer surface.

With respect to claim 15, Barton teaches the lighting system wherein the elongated track includes a substantially flat outer surface, a rail mountable onto the outer surface and the at least one conductor is mounted on the rail.

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With respect to claim 16, Barton teaches the lighting system wherein the one or more slots are horizontal (Figure 1).

With respect to claim 19, Barton teaches a method for installing lighting fixture 12 comprised of selecting a room surface with one or more slots, attaching a substantially elongated track 14 onto the room surface by engaging an engagement element 56 formed on the elongated track with one of the slots, providing power to a set of conductors attached to the elongated track (Column 5, Lines 30-34), and attaching a lighting fixture 10 onto the elongated track.

With respect to claim 20, Barton teaches the method further removing and relocating the lighting fixture to another location on the elongated track (Column 4, Lines 27-31).

With respect to claim 21, Barton teaches the method further relocating the lighting fixture to another location by sliding the lighting fixture while attached to the elongated track (Column 4, Lines 27-31).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barton in view of Yoshida et al. (US Patent 4,217,018).

With respect to claims 4 and 12, Barton teaches the lighting system described above. However, Barton fails to teach the two conductors being mounted on opposing sides of the same internal channel. Yoshida et al. teaches a track lighting system wherein an elongated track

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(Figure 2A) includes an internal channel 11 and two conductors 17 mounted on opposing sides of the internal channel (Figure 2A). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device such that the two conductors are mounted on opposing sides because the device would be electrically connected to the circuit regardless of its position within the elongated track.

Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barton in view of Henrikson (US Patent 2,989,011).

With respect to claims 17 and 18, Barton teaches the lighting system described above wherein the slots are horizontal, but fails to teach the system wherein the one or more slots are vertical or wherein the one or more slots are curved. Henrikson teaches a slatwall surface where the slots 22 are vertical. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the slots to be orientated in any direction, including vertical or curved, because these slots would allow the device to be moved in any different direction without disengaging the device from the mounted surface.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Galindo (US Patent 4,414,617) teaches a track lighting system with an elongated track and an engagement element. Shen (US Patent 5,772,315) teaches a track lighting system with an elongated track with conductive elements.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David J. Makiya whose telephone number is (571) 272-2273. The examiner can normally be reached on Monday-Friday 7:30am - 4:00pm (ET).




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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Renee Luebke can be reached on (571) 272-2009. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DJM 11/14/2005



RENEE LUEBKE  
PRIMARY EXAMINER